

ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

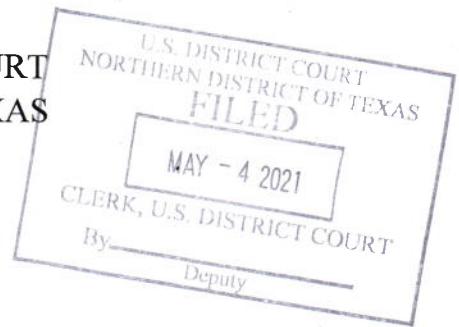
UNITED STATES OF AMERICA, *et al.*
ex rel. ALEX DOE,

Plaintiffs,

v.

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
PLANNED PARENTHOOD GULF
COAST, INC., PLANNED
PARENTHOOD OF GREATER TEXAS,
INC., PLANNED PARENTHOOD
SOUTHTEXAS, INC. PLANNED
PARENTHOOD CAMERON COUNTY,
INC., AND PLANNED PARENTHOOD
SAN ANTONIO, INC.,

Defendants.



Civil Action No. 2:19-CV-022-Z

FILED IN SEALED CASE

MEMORANDUM IN SUPPORT OF THE UNITED STATES OF AMERICA'S
UNOPPOSED *EX PARTE* APPLICATION FOR EXTENSION OF TIME TO
DETERMINE WHETHER TO INTERVENE IN SEALED CASE

1. The United States of America ("United States"), on behalf of itself and the States of Texas and Louisiana (Plaintiff States), submits this memorandum in support of their unopposed *ex parte* application under the False Claims Act (FCA), as amended, 31 U.S.C. § 3730(b)(3), for a 180-day extension of time from May 7, 2021, through and including November 3, 2021, to determine whether to intervene in this *qui tam* action and to notify this Court of its intervention decision. The United States further requests that the Complaint and other filings remain under seal during that time. As described below, the United States requires additional time to investigate the issues in this case and arrive

at an intervention decision. This memorandum demonstrates why good cause exists, pursuant to 31 U.S.C. § 3730(b)(3), to extend the government's deadline by at least 180 days.

2. The FCA authorizes a *qui tam* action where a private party, the relator, brings suit to recover damages allegedly suffered by the United States due to fraudulent or false statements. 31 U.S.C. § 3730(b). The complaint is filed under seal and is not served on the defendants. 31 U.S.C. § 3730(b)(2). The relator serves the government with a copy of the complaint and written disclosure of substantially all of the material evidence and information in his or her possession. *Id.* The complaint then remains under seal for at least 60 days, during which evaluation period the government may elect to intervene and assume primary responsibility for the litigation. *Id.* The government may, for good cause shown, move the Court for extensions of the time during which the complaint remains under seal. 31 U.S.C. § 3730(b)(3).

3. Alex Doe (Relator), on behalf of the United States and Plaintiff States, filed this *qui tam* complaint on February 5, 2021, against Planned Parenthood Federation of America, Inc., Planned Parenthood Gulf Coast, Inc., Planned Parenthood of Greater Texas, Inc., Planned Parenthood South Texas, Inc., Planned Parenthood Cameron County, Inc., and Planned Parenthood San Antonio, Inc., (Parenthood Defendants). Relator alleges that from at least 2010 and continuing through 2020, the Parenthood Defendants presented or caused to be presented thousands of false or fraudulent claims for payment for Medicaid services, received millions of dollars of payments from state and

federal funds for these false or fraudulent Medicaid claims, and failed to report and pay to the government the money that Planned Parenthood received from these false claims after it knew or should have known that it was not entitled to keep the money.

4. Relator further alleges that the Parenthood Defendants violated and are continuing to violate numerous medical and ethical standards and state and federal laws that relate to the provision of medical services in a safe, legal, and ethical manner. Finally, Relator alleges that the Parenthood Defendants are engaged in a pattern or practice of submitting false or fraudulent claims for payment or approval under the Medicaid program while failing to meet several material conditions for payment.

5. The United States and Plaintiff States were served with Relator's complaint on March 5, 2021 and are evaluating Relator's claims to determine whether intervention is appropriate. Counsel for the United States and Plaintiff States interviewed the Relator to probe further into the allegations in the Complaint, the factual allegations therein, and any additional evidence Relator possesses. Counsel have also started reviewing and breaking down Medicaid claims data for the relevant Planned Parenthood clinics in Texas and Louisiana. Counsel have also begun coordinating with the agencies charged with oversight and administration of the Texas and Louisiana Medicaid programs to understand the programs' respective positions regarding the allegations.

6. Within the requested extension period, the United States intends to collect and analyze any additional information provided by Relator, coordinate with the appropriate agents within the Texas and Louisiana Medicaid programs, and interview witnesses identified by the Relator and others that have knowledge relevant to Relator's allegations. Based on the foregoing, the United States submits that good cause exists for at least a 180-day extension.

7. The FCA permits the contemplated extension for good cause shown. The FCA states in part:

(3) The government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal....

31 U.S.C. § 3703(b)(3). The United States respectfully submits that it has shown good cause for the requested 180-day extension.

8. The United States also requests an order maintaining the Complaint and other filings under seal during the requested extension period. The reasons described above in support of the requested extension also support the United States' request to extend the seal in this case.

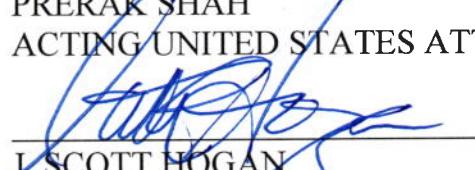
9. Relator consents to the United States' request for an extension of time.

10. For all the foregoing reasons, the United States requests a 180-day extension of time through and including November 3, 2021. The United States also seeks an Order that the Complaint and all other documents filed in this matter remain under seal.

Respectfully submitted,

BRIAN M. BOYNTON
ACTING ASSISTANT ATTORNEY
GENERAL

PRERAK SHAH
ACTING UNITED STATES ATTORNEY


J. SCOTT HOGAN
Assistant United States Attorney
Texas Bar No. 24032425
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8600
Facsimile: 214-659-8807
Email: scott.hogan@usdoj.gov

JAMIE A. YABELBERG
ANDY MAO
YOLONDA Y. CAMPBELL
Attorneys, Civil Division
U.S. Department of Justice
P.O. Box 261, Ben Franklin Station
Washington, DC 20044
Telephone: 801-325-3360
Facsimile: 202-307-6364
Email: yolonda.y.campbell@usdoj.gov

Attorneys for the United States of America
And on Behalf of the Plaintiff States

CERTIFICATE OF SERVICE

I hereby certify that this pleading is being filed *in camera* because it contains confidential information concerning the United States of America's investigatory process. Therefore, only a copy of the *ex parte* application and proposed order has been served on counsel for Relators.


J. SCOTT HOGAN
Assistant United States Attorney